

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-CV-00471-MOC

MARIO ALLEN, )  
                  )  
Plaintiff,     )  
                  )  
v.               )  
                  )  
ANDREW SAUL,   )  
Commissioner of Social Security,   )  
                  )  
Defendant.     )

**ORDER**

**THIS MATTER** is before the court on plaintiff's Consent Motion for Fees Under the Equal Access to Justice Act (#24). Plaintiff filed a timely Motion for Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on November 20, 2020. The parties to this action entered a stipulation for payment in the amount of \$7,750.00 (#26). The court finds the proposed fee to be reasonable.

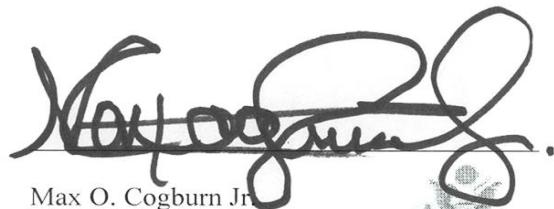
**ORDER**

**IT IS, THEREFORE, ORDERED** that the Motion for Fees Under the Equal Access to Justice Act (#24) is **GRANTED**. The United States Social Security Administration shall pay attorney's fees in the amount of \$7,750.00 in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under EAJA. The check shall be made payable to Plaintiff and sent to the offices of Plaintiff's counsel, George C. Piemonte.

Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of the Court's EAJA Order, the

Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

Signed: December 11, 2020



Max O. Cogburn Jr.  
United States District Judge